

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MID-COM COMMUNICATIONS, INC.)	
)	
_____)	CASE NO. 92-329
)	
ALLEGED VIOLATION OF)	
KRS 278.020 AND KRS 278.160)	

O R D E R

On August 11, 1992, Mid-Com Communications, Inc. ("Mid-Com") was ordered to show cause why it should not be penalized pursuant to KRS 278.990 for its alleged failure to comply with KRS 278.020 and KRS 278.160.

Following the commencement of this proceeding, Mid-Com and Commission Staff entered into negotiations to resolve all disputed issues. On August 19, 1992, a Settlement Agreement was executed and submitted to the Commission for approval.

After reviewing the Settlement Agreement and being otherwise sufficiently advised, the Commission finds that the Settlement Agreement is in accordance with the law, does not violate any regulatory principle, results in a reasonable resolution of this case, and is in the public interest.

IT IS THEREFORE ORDERED that:


1. The Settlement Agreement, appended hereto, is incorporated into this Order as if fully set forth herein.

2. The terms and conditions set forth in the Settlement Agreement are adopted and approved.

3. Mid-Com shall pay the agreed penalty of \$100 within 10 days of the date of this Order by certified check or money order made payable to Treasurer, Commonwealth of Kentucky. Said check or money order shall be mailed or delivered to the Office of General Counsel, Public Service Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 1st day of September, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 92-329 DATED September 1, 1992.

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

MID-COM COMMUNICATIONS, INC.)

)

CASE NO.

92-329

ALLEGED VIOLATION OF)

KRS 278.020 AND KRS 278.160)

* * * * *

SETTLEMENT AGREEMENT

* * * * *

WHEREAS, on August 11, 1992, the Public Service Commission (the "Commission") issued an Order finding that a prima facie showing had been made that Mid-Com Communications, Inc. ("Mid-Com") had collected compensation for providing service prior to receiving a certificate of convenience and necessity in violation of KRS 278.020 and 278.160; and

WHEREAS, Mid-Com and Commission staff (the "Commission Staff") have reached an agreement on the resolution of the issues.

NOW, THEREFORE, be it resolved that:

1. By signing this Settlement Agreement, Mid-Com admits no willful violation of KRS 278.020 and KRS 278.160. Mid-Com agrees that this Agreement represents the most judicious method by which to resolve this case and agrees to take the steps outlined herein.

2. Mid-Com shall pay a penalty in the amount of \$100.00. A certified check for the full amount of the penalty shall be made payable to the Kentucky State Treasurer and delivered to the Office of General Counsel, Public Service Commission, 730 Schenkel Lane,

Frankfort, Kentucky 40601 within ten (10) working days of the Commission's Order approving this Settlement Agreement (the "Order").

3. Upon issuance of an order by the Commission accepting this Settlement Agreement, to the extent that Mid-Com has not completed the refunding or crediting of all customers for all intrastate charges billed and collected prior to the Commission's authorization of Mid-Com to provide intrastate telecommunications service, Mid-Com shall commence making refund payments or credits to all customers for all charges billed by Mid-Com for intrastate telecommunications service from January 20, 1992 until such time as Mid-Com is authorized to provide intrastate services. Within six (6) months of Commission acceptance of this Settlement Agreement, Mid-Com shall have completed the crediting and refunding.

4. Within thirty (30) days from the date Mid-Com refunds or credits its customers, Mid-Com shall provide a list to the Commission of the names, addresses, amounts paid, and method of payment for customers entitled to and receiving a refund or credit. Thereafter, Mid-Com shall provide monthly reports to the Commission in performing its obligations under this Settlement Agreement.

5. This Settlement Agreement is submitted for purposes of this case only and is not deemed binding upon the parties hereto in any other proceeding, nor is it to be offered or relied upon in any other proceeding involving any other utility.

6. If the Commission issues the Order adopting this Settlement Agreement in its entirety, Mid-Com agrees that it shall

not file an application for rehearing with the Commission nor an appeal to the Franklin Circuit court from the Order.

7. If the Settlement Agreement is not adopted in its entirety, Mid-Com reserves the right to withdraw from the Agreement and require that hearings go forward upon all or any matters involved herein, and, that, in such event, the terms of the Agreement shall not be deemed binding upon the signatories hereto, nor shall such agreement be admitted into evidence, referred to or relied on in any matter by any signatory hereto.

8. All the parties hereto agree that the foregoing Settlement Agreement is reasonable and in the best interest of all concerned, and urge the Commission adopt this Agreement in its entirety.

AGREED TO BY:

James G. Campbell
Hon. James G. Campbell on behalf
of Mid-Com Communications, Inc.

August 13, 1992
Date

Amy E. Dougherty
Hon. Amy E. Dougherty on
behalf of Commission Staff

August 19, 1992
Date